

Serial No.: 09/617,935

RD-26643/USA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on

FAX RECEIVED

MAY 01 2008

OFFICE OF PETITIONS

(Date of Deposit)

Signature

(Date of Signature)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Andrew Philip Shapiro et al

: Group Art Unit: 3744

Serial No. 09/617,935

: Examiner: W.E. Tapolcai

Filed: August 17, 2000

: Response to Paper No. 13

For Ice maker Assembly

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT****37 C.F.R. §1.81**

Box DAC  
HONORABLE ASSISTANT COMMISSIONER OF PATENTS:  
WASHINGTON, DC 20231

SIR:

In accordance with 37 C.F.R. §1.81, Applicants respectfully request that the U.S. Patent and Trademark Office (PTO) withdraw the erroneous holding of abandonment for the above-identified patent application.

1. **FACTS**

On July 31, 2001, the PTO mailed a Notice of Allowance and Issue Fee form (Exhibit A) for the above-identified patent application to the Applicants. The Notice of Allowance and Issue Fee form indicated that the issue fee was due on or before October 31, 2001. On September 28, 2001, Applicant sent an Issue Fee Transmittal form (Exhibit B) that authorized the payment of the issue fee. The Issue Fee Transmittal form (Exhibit B) was sent. A post card receipt (Exhibit C) was also sent with the Issue Fee Transmittal form, and the post card receipt shows that the PTO received the Issue Fee Transmittal form on October 1, 2001, which is prior to the deadline for payment of the issue fee. On March 26, 2001, the PTO mailed a Notice of Abandonment form (Exhibit D) to Applicants that indicated that the above-identified patent application had been abandoned for failure to timely pay the issue fee.

**GE Global Research Center**

**Patrick K. Patnode**  
Patent Counsel –  
Mechanical & e-Initiatives

General Electric Company  
P.O. Box 8, Schenectady, NY 12309  
One Research Circle, Bldg. K1-4A60; Dial Comm 8\*833-5286  
Fax (518) 387-6110

April 4, 2002

**FAX RECEIVED**

Box DAC  
Honorable Commissioner for Patents and Trademarks  
Washington, D.C. 20231

MAY 01 2008

**OFFICE OF PETITIONS**

RE: Inventor: Andrew Philip Shapiro et al.  
Serial No.: 09/617,935  
Filed: August 17, 2000  
Title: Ice maker Assembly

SIR:

Enclosed re the following documents for the above-identified patent application:

1. A petition to withdraw the holding of abandonment under 37 C.F.R. § 1.81;
2. Notice of Allowance and Issue Fee Due form (Exhibit A)
3. Part-B-Issue Fee Transmittal form and Designation of Fee Address (Exhibit B);
4. Post card receipt of the Part B – Issue Fee Transmittal Form (Exhibit C); and
5. Notice of abandonment form (Exhibit D).

Respectfully submitted,



Patrick K. Patnode  
Attorney for Applicant  
Reg. No. 40,121  
Tel. No. (518) 387-5286

Schenectady, New York

Dated: April 5<sup>th</sup>, 2002

Serial No.:09/617,935

RD-26643/USA

These facts and exhibits clearly show that Applicant filed the Issue Fee Transmittal form and authorization of payment of the issue fee in a timely manner and that the Issue Fee Transmittal form and the authorization for payment of the issue fee was received by the PTO but not correlated with the above-identified patent application. As a result, the application has been erroneously held abandoned by the PTO. Accordingly, Applicants request that the PTO withdraw the holding of abandonment of the application and issue a patent.

## II. TIMING

This petition is timely filed within two months of receiving the Notice of Abandonment.

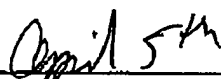
## III. FEES

A petition fee is not included with this petition because the Notice of abandonment was issued based on a PTO error. However, if any fees have been incurred, please charge the fees to Deposit Account No. 07-0868.

Respectfully submitted,

  
Patrick K. Patnode  
Reg. No. 40,121

General Electric Company  
Building K1, Room 4A60  
Schenectady, New York 12309

  
\_\_\_\_\_  
Telephone (518) 387-5286

2002



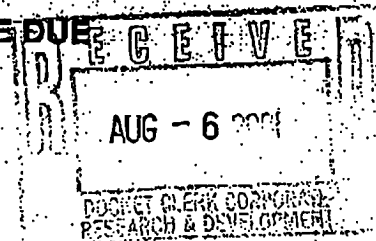
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

EXHIBIT "H"  
R-26643/US.A  
Due - 10/31/01  
P. Patnode

# NOTICE OF ALLOWANCE AND ISSUE FEE DUE

006147  
GENERAL ELECTRIC COMPANY  
CRD PATENT DOCKET ROOM 4A59  
P O BOX 8  
BUILDING K 1 SALAMONE  
SCHENECTADY NY 12301

QM02/8731



APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/617,935	08/17/00	027	TAPOLCAI, W	3744 07/31/01
First Named Applicant	SHAPIRO, 35 USC 154(b) term ext. = 0 days.			

TITLE OF INVENTION ICEMAKER ASSEMBLY

ATTYS DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	RD26643USA	062-345,000	K03 UTILITY	NO	\$1240.00	10/31/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

## HOW TO RESPOND TO THIS NOTICE:

### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- Pay FEE DUE shown above, or
- File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

YOUR COPY

EXHIBIT A

**Notice of Allowability**

Application No.

09/617,935

Examiner

William E. Tapolcai

Applicant(s)

SHAPIRO ET AL.

Art Unit

3744

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed on August 16, 2001.
2. ☒ The allowed claim(s) is/are 1-17 and 19-27.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 11.
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- 6 ☐ Examiner's Amendment/Comment
- 8 ☐ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

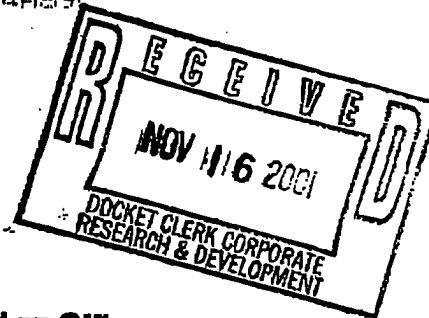
*W. E. Tapolcai*  
 William E. Tapolcai  
 Primary Examiner  
 Art Unit 3744

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/617,935	08/17/00	SHAPIRO	A RD26643USA

006147  
GENERAL ELECTRIC COMPANY  
ORD PATENT DOCKET ROOM 4A89  
P O BOX 8  
BUILDING K 1 SALAMONE  
SCHENECTADY NY 12301

QM61/1107

EXAMINER  
TAPOLCAI, W

ART UNIT	PAPER NUMBER
3744	#12

DATE MAILED: 11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

EXHIBIT B

Docket No. ID-26643/USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A.P. Shapiro, et al.

Serial No.: 09/617,935

Filed: 8/17/00

Batch No.: K03

For: ICEMAKER ASSEMBLY

Commissioner For Patents  
Box M Fee  
Washington, DC 20231

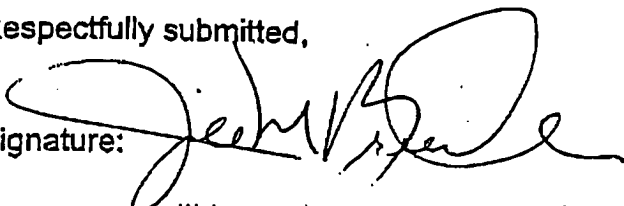
## DESIGNATION OF FEE ADDRESS

Dear Sir:

Kindly enter the "fee address" for the above-identified application, as follows:

General Electric Company  
GE APPLIANCES  
Neil Houser  
Appliance Park Bldg. 2-Rm. 225  
Louisville, KY 40225Payor No.: 006110

Respectfully submitted,

Signature: 

Name: JILL M. BREEDLOVE

Reg. No. 32,684

Address: General Electric Company  
CRD Patent Docket Rm. 4A59  
PO Box 8, Bldg. K-1 - Salamone  
Schenectady, New York 12301Telephone: (518) 387-6276  
Date: September 28, 2001

## PART B—ISSUE FEE TRANSMITTAL

EXHIBIT "B"

Complete and mail this form, together with applicable fees, to:

Box ISSUE FEE  
Assistant Commissioner  
Washington, D.C. 20231

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

006147 QM02/0731  
GENERAL ELECTRIC COMPANY  
ORD PATENT DOCKET ROOM 4A59  
P O BOX 8  
BUILDING K 1 SALAMONE  
SCHENECTADY NY 12301

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

## Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Kathy L. Parks

(Depositor's name)

Kathleen Parks

(Signature)

September 28, 2001

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/617,935	08/17/00	027	TAPOLCAI, W	3744 07/31/00
First Named Applicant	SHAPIRO, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION ICEMAKER ASSEMBLY

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	RD26643USA	062-345.000	K03	UTILITY	NO	\$1240.00 10/31/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Patrick K. Patnode

2 Christian Cabou

3

## 3. ASSIGNEE NAME AND RESIDENCE

PLEASE NOTE: Unless appropriate when an assignment has been previously submitted to the PTO or submitted under separate cover, completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE General Electric Company

(B) RESIDENCE: (CITY &amp; STATE OR COUNTRY)

Schenectady, NY

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☒ Corporation or other private group entity ☐ government

enclosed (make check payable to Commissioner)

☐ Issue Fee☐ Advance Order - # of Copies

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER (ENCLOSE AN EXTRA COPY OF THIS FORM)

☒ Issue Fee☒ Advance Order - # of Copies One

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

Reg No. 32,684

(Date)

9/24/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE



EXHIBIT "C"

September 28, 2001

Notice of Allowance and Issue Fee Transmittal (in duplicate;  
charging deposit account 07-0868; Designation of Fee Address  
w/Certificate of Mailing  
The following ~~patent application~~  
has been received by the Patent  
Office on the date stamped below.

Inventor A.P. Shapiro, et al.

Serial No. 09/617,935

Docket No. RD-26643/USA

Batch No.: K03

P. Patnode

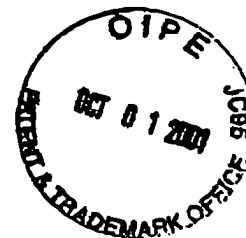


EXHIBIT "D"



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER 09/617-435	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
----------------------------------	-------------	-----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER PH 13
----------	-----------------------

DATE MAILED:

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_
- ☐ A proposed response was received on \_\_\_\_\_ but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.

- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_

- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.

- ☒ The issue fee has not been received.

- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

- ☐ No proposed new formal drawings have been received.

- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

- ☐ The reason(s) below:

**ABANDONMENT**  
**CONTACT PERSON IS:**  
**TOM HAWKINS**  
 305.8200



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,935	08/17/2000	Andrew Philip Shapiro	RD26643USA	1426

6147

7590

03/26/2002

GENERAL ELECTRIC COMPANY  
CRD PATENT DOCKET ROOM 4A59  
P O BOX 8  
BUILDING K 1 SALAMONE  
SCHENECTADY, NY 12301

APR - 2 2002

EXAMINER	
TAPOLCAI, WILLIAM E	
ART UNIT	PAPER NUMBER
3744	P# 13

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.